

Court of Appeals, State of Michigan

ORDER

Hannah Darling v State Farm Mutual Automobile Insurance Company

Anica Letica
Presiding Judge

Docket No. 355803

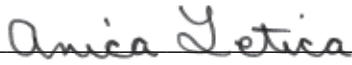
Kirsten Frank Kelly

LC No. 20-003161-NF

Michael J. Riordan
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting leave to appeal, we VACATE the Wayne Circuit Court's October 30, 2020 order and REMAND this matter to that court for further proceedings consistent with this order. Under MCL 500.3151(3), defendant is entitled to have plaintiff submit to an independent medical examination (IME) performed by a specialist "in the same specialty as the physician providing the care, and if the physician providing the care is board certified in the specialty, the examining physician must be board certified in that specialty." See generally *Muci v State Farm Mut Auto Ins Co*, 478 Mich 178; 732 NW2d 88 (2007); *Roberts v Farmers Ins Exch*, 275 Mich App 58, 68; 737 NW2d 332 (2007). On remand, defendant may schedule the disputed IMEs at times mutually agreed upon by the parties or as ordered by the circuit court. On appropriate motion, the trial court may place reasonable conditions on the IMEs, but only provided that plaintiff is able to demonstrate "good cause" for such conditions by way of "a particular and specific demonstration of fact, as distinguished from stereotyped and conclusory statements." See *Muci*, 478 Mich at 192 (quotation marks and citation omitted).

This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

March 18, 2021

Date



Chief Clerk